IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.82 OF 2005

Luiza Philip Misquitta & anr. Appellants

Vs.

Municipal Corporation of Gr.Bombay Respondent

Mr.J.M.D'Silva for appellants.
Mrs.Geeta Joglekar for respondent.

CORAM: B.H.MARLAPALLE,J.
July 18, 2005.

P.C.

. Heard.

. The undertaking furnished by the appellant on 8-2-2005 before this Court was for the entire suit structure. However, in the affidavit filed by him on 5-5-2005 before this Court reference is made to the portion of the suit structure in his possession allegedly. The Officer of the Respondent - Municipal Corporation has inspected the suit structure on 5-5-2005 and submitted a report dated 29-6-2005 along with the affidavit-in-reply sworn on 4-7-2005. It has been stated that the first floor is not removed and the height is not still restored by the applicant as per the repair permission granted. On the face of the remarks in the inspection report and the undertaking furnished by the appellant himself, there

is no case to entertain this appeal. It is clear that the appellant has failed to comply with the undertaking furnished by him and now he takes shelter that the remaining portion is in the possession of his brother who should be held responsible.

. The appeal is dismissed in limine. Interim order, if any, stands vacated.

(B.H.MARLAPALLE,J.)